

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

GINNIE H. WOOTEN,

Plaintiff-Appellant,

v.

SOUTHERN BELL TELEPHONE &

No. 96-1480

TELEGRAPH COMPANY, INCORPORATED,

a/k/a Bell South

Telecommunications, Incorporated,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of North Carolina, at Raleigh.
Terrence W. Boyle, District Judge.
(CA-95-349-5-BO)

Submitted: October 3, 1996

Decided: October 15, 1996

Before ERVIN,* LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Randy Meares, BYRD & MEARES, Raleigh, North Carolina, for
Appellant. Paul T. Stagliano, BELLSOUTH TELECOMMUNICA-

*Judge Ervin did not participate in consideration of this case. The
opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

TIONS, INC., Atlanta, Georgia; Robert E. Thomas, Jr., BELL-SOUTH TELECOMMUNICATIONS, INC., Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Ginnie H. Wooten appeals from the district court's order granting summary judgment in favor of Defendant and dismissing her employment discrimination action pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A. § 2000e (West 1994). Wooten alleged discrimination on the basis of her race (black).

Our review of the record and the district court's opinion discloses that this appeal is without merit. Wooten failed to establish a prima facie case of employment discrimination. See O'Connor v. Consolidated Coin Caterers Corp., ___ U.S. #6D 6D6D#, 64 U.S.L.W. 4243 (U.S. Apr. 1, 1996) (No. 95-354); see also McDonnell Douglas Corp. v. Green, 411 U.S. 792, 802 (1973); Alvarado v. Board of Trustees, 928 F.2d 118, 121 (4th Cir. 1991). Moreover, she failed to rebut the legitimate, nondiscriminatory reason Defendant proffered to support its transfer of Wooten. See Conkwright v. Westinghouse Elec. Corp., 933 F.2d 231, 234-35 (4th Cir. 1991); Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 253, 256 (1981).

Accordingly, we cannot say that the district court's finding of non-discrimination was clearly erroneous. Anderson v. City of Bessemer, 470 U.S. 564, 574 (1985). We therefore affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED